HOUSE JOURNAL 62ND LEGISLATURE FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana February 24, 2011 House Chambers State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Phillips, excused. Quorum present.

MESSAGES FROM THE GOVERNOR

March 23, 2011

The Honorable Mike Milburn Speaker of the House State Capitol Helena, Montana 59620

Dear Speaker Milburn:

Please be informed that I have signed **House Bill 1** sponsored by Representative McNutt, **House Bill 21** sponsored by Representative Di. Barrett, **House Bill 22** sponsored by Representative Klock, and **House Bill 60** sponsored by Representative MacLaren on February 23, 2011.

Sincerely,

BRIAN SCHWEITZER Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

- **SB** 3, introduced by Hawks (by request of the Education and Local Government Interim Committee), referred to State Administration.
- **SB 34**, introduced by Essmann (by request of the Legislative Council), referred to State Administration.
- **SB 43**, introduced by Keane (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.
- SB 90, introduced by Essmann, referred to Fish, Wildlife and Parks.
- **SB 109**, introduced by De. Barrett, referred to Federal Relations, Energy, and Telecommunications.
- **SB 117**, introduced by Hinkle, Arntzen, G. Bennett, Harris, Hendrick, Howard, Ingraham, Jackson, Kerns, Knox, McGillvray, O'Neil, Randall, Regier, C. Smith, Vance, Vincent, Warburton, Skees, Osmundson, referred to Local Government.

- SB 132, introduced by Essmann, Hawks, Greef, referred to Human Services.
- SB 149, introduced by Essmann, MacLaren, referred to Judiciary.
- SB 151, introduced by Brown, Shockley, referred to Judiciary.
- SB 153, introduced by Jent, referred to Judiciary.
- **SB** 176, introduced by Hutton, Hinkle, Arthun, Moore, Wittich, Priest, Windy Boy, Balyeat, Murphy, G. Bennett, Zinke, Howard, Lewis, McGillvray, Warburton, Kary, Walker, McNiven, Buttrey, Flynn, Lavin, Yates, Blasdel, Miller, Knox, C. Smith, Skattum, Jones, referred to Human Services.
- **SB 180**, introduced by Sonju, referred to Local Government.
- SB 189, introduced by Keane, referred to Human Services.
- SB 194, introduced by Brenden, C. Williams, referred to State Administration.
- **SB 201**, introduced by Walker, Arthun, Brown, Lewis, Ripley, Hinkle, Brenden, Buttrey, Essmann, Wittich, De. Barrett, Steinbeisser, Balyeat, Moore, Zinke, Olson, Shockley, Keane, referred to Business and Labor.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 6, introduced by Olson, Buttrey, Priest, Lewis, Ripley, Hinkle, Brown, Jones, Jackson, Moore, Vincent, Steinbeisser, Zinke, Walker, Tutvedt, Murphy, Arthun, Brenden, Hutton, Wittich, Essmann, Sonju, Keane, McNutt, Cook, G. Bennett, Harris, Howard, McChesney, Regier, Washburn, Read, Wagner, Loney, Rosendale, Welborn, Klock, C. Smith, Blasdel, Osmundson, De. Barrett, referred to Natural Resources.

SJR 8, introduced by Hawks, Hollandsworth, Brown, Wilmer, referred to Education.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 89 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker. Total 96

Nays: Belcourt, Squires.

Total 2

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 54 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: None. Total 0

Excused: Phillips.

Total 1

Absent or not voting: Blasdel, Harris.

Total 2

HB 334 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 479 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 78

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, Menahan, Noonan, Price, Reinhart, Sands, Sesso, Squires, Swanson, Wilmer. Total 20

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 494 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 526 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker. Total 62

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Evans, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 573 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker. Total 84

Nays: G. Bennett, Burnett, Hendrick, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, Randall, Skattum, Vance, Wagner, Warburton.

Total 14

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 446 passed as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan,

Noonan, Pease-Lopez, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker. Total 51

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 47

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 530 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Sands, Schmidt, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Nays: Belcourt, B. Bennett, Blasdel, Hale, Hunter, McClafferty, Mehlhoff, Miller, Noonan, Price, Reinhart, Rosendale, Sesso, Skees, Vance, Williams.

Total 16

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 544 passed as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker. Total 53

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 45

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 583 failed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Boland, Brodehl, Burnett, Connell, Cook, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kennedy, Klock, Lavin, Loney, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, O'Hara, O'Neil, Peterson, Price, Regier, Reichner, Roberts, Sands, Schmidt, Skattum, Small, Swanson, Warburton, Williams, Mr. Speaker.

Total 47

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Blasdel, Blyton, Clark, Court, Cuffe, Edmunds, Flynn, Gibson, Greef, Hale, Hands, Hansen, Hill, Hollenbaugh, Howard, Kary, Kerns, Knox, Knudsen, MacDonald, MacLaren, Malek, McClafferty, Mehlhoff, Miller, More, Noonan, Osmundson, Pease-Lopez, Randall, Read, Reinhart, Rosendale, Salomon, Sesso, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Washburn, Welborn, Wilmer, Yates. Total 51

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 594 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Edmunds, Esp, Hale, Hansen, Howard, Kennedy, Kerns, Knox, Knudsen, McGillvray, More, Osmundson, Randall, Skattum, C. Smith, Vance, Wagner.
Total 21

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HJR 20 failed as follows:

Yeas: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Flynn, Greef, Hale, Hansen, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.

Total 46

Nays: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Esp, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker. Total 52

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 552 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Miller, O'Neil, Osmundson, Pease-Lopez, Price, Read, Regier, Reinhart, Roberts, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates.

Nays: G. Bennett, Blyton, Burnett, Edmunds, Esp, Flynn, Hansen, Hollandsworth, Kerns, Knox, Knudsen, McGillvray, McNutt, More, Noonan, O'Hara, Peterson, Randall, Reichner, Rosendale, Salomon, Skattum, Stahl, Vance, Wagner, Welborn, Mr. Speaker.

Total 27

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

HB 555 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 56

Nays: Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates. Total 42

Excused: Phillips.

Total 1

Absent or not voting: Harris.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray made closing remarks.

Representative Sesso made closing remarks.

Representative McGillvray moved that the House adjourn until 4:30 p.m., Tuesday, March 1, 2011. Motion carried.

House adjourned at 8:31 a.m.

BETH CARGO Chief Clerk of the House MIKE MILBURN Speaker of the House